

Serial No. 09/744,225

REMARKS

In accordance with the foregoing, claims 1, 12 and 23 have been amended. Claims 1-4, 6, 8-15, 17 and 19-24 are pending and under consideration.

Applicant(s) request(s) entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claim(s) have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendment of claims(s) 1, 22 and 23 puts this application into condition for allowance as suggested by the Examiner;

(c) the amendment(s) were not earlier presented because the Applicant(s) believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(d) the amendment(s) of claim(s) 1, 12 and 23 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised;

(e) the amendment(s) do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised; and/or

(f) the reference(s) applied to the claims are newly cited in the final Office Action, and Applicant(s) should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

The Examiner continues to assert that the claims are anticipated by U.S. Patent No. 5,926,816 to Bauer et al. Applicants previously argued that Bauer et al. does not modify a decision set for at least one conflict type based on dependencies of inconsistencies, as claimed.

In the paragraph bridging pages 8 and 9 of the Office Action, the Examiner addresses this argument by citing column 22, lines 45-58 of Bauer et al. This portion of the reference simply

Serial No. 09/744,225

describes how update conflicts are eliminated. Perhaps the Examiner is confused by the term "update." Update conflicts are defined at column 21, lines 62 and 63 as conflicts "in which one or more fields of the update rows have been changed to different values." Bauer et al. makes no mention of a decision set that is modified based on dependencies of inconsistencies. This leads Applicant to believe that there is a problem understanding either the claimed invention or Bauer et al. To avoid the possibility of future misunderstandings of the claims, the language of claims 1, 12 and 23 has been clarified to indicate that the decision set is modified such that a future conflict is eliminated by a modified method. In Bauer et al., there is no indication that there would be any change between a first elimination of a conflict and a second elimination of a conflict.

In Bauer et al., operations such as insert, update, and delete, which can produce an inconsistency or conflict are defined. As described at column 22, lines 33-37, Bauer et al. describes that when the server detects a conflict, the source of the conflict (insert, delete, or update) is determined. Then, a catalog structure is used to resolve the conflict.

On the other hand, the invention may be more flexible. A decision set is allocated to each conflict type. With the decision set, the inconsistency produced by an operation of the conflict type can be eliminated. Furthermore, the invention ascertains the dependencies of inconsistencies on one another. The inconsistency is eliminated using the decision set. Also, based on the dependencies of the inconsistencies, the decision set is modified.

As mentioned above, the Examiner cites column 22, lines 45-58 of Bauer et al. The Examiner appears to have equated the entirety of the decision sets of the invention with the catalog disclosed in Bauer et al. In Bauer et al., data organized in tables on the server and on the client are modified to eliminate the conflict. Because the claims recite modifying the decision set, perhaps the Examiner believes that Bauer et al. modifies the catalog itself. This is incorrect.

The columns C1, C2 and C3 mentioned at column 2, lines 45-48 of Bauer et al. relate to columns of the data tables on the client and the server. The terms "data field," "columns," and "table" as used in Bauer et al. relate only to the data being corrected. These terms do not relate to the catalog used to correct the data. There is no indication in Bauer et al. that the content of the catalog is dynamic, with regard to changing how decisions are allocated to a decision set (defining the conflict type). There is also no indication that the catalog is dynamic with regard to modifying a decision set based on dependencies of the inconsistencies on one another. The Bauer et al. catalog contains only unchanging conflict resolution settings. Accordingly, the Examiner has apparently equated a static catalog of Bauer et al. with the variable decision set of

Serial No. 09/744,225

the invention. This is not correct. In Bauer et al., it is not possible for there to be variable decision sets. Variable decision sets are not mentioned or suggested. Thus, Bauer et al. does not anticipate the claims.

Bauer et al. also does not render obvious the claims. With the dynamic decision set described in the specification, there is a set of decisions with which inconsistency can be eliminated. The decision sets can be matched easily and with great flexibility to dependencies between the inconsistencies. This may provide the invention with great flexibility in contrast to the static catalog of Bauer et al. Although the claims are certainly not limited to what is disclosed in the specification, the Examiner is referred to the disclosure regarding specific embodiments describing applications and the flexibility which may be achieved. See page 27, line 14 through page 39, line 9 of the substitute specification. As to modifying the decision set on the basis of the dependencies between the inconsistencies, this is comprehensively described at page 39, lines 4-9 of the substitute specification.

Claims 2-4, 6, 8-11, 13-15, 17, 19-22 depend directly or indirectly on one of the independent claims and recite additional patentable limitations. For example, claim 2 specifically recites that additional inconsistencies are eliminated.

In view of the foregoing, it is submitted that Bauer et al. does not disclose or suggest the invention as claimed. Accordingly, it is submitted that the anticipation rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/744,225

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Apr. 13, 2004

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on Apr. 13, 2004
By: Mark J. Henry
Date: 4.13.04